

Message

---

**From:** COLLINS Jay [Jay.COLLINS@state.or.us]  
**Sent:** 11/27/2018 12:52:55 AM  
**To:** [REDACTED] Ex. 6 PP / Ex. 7(C)  
**CC:** OBRIEN Audrey [Audrey.OBRIEN@state.or.us]; COLLINS Jay [Jay.COLLINS@state.or.us]; WHEELER Sarah [Sarah.WHEELER@state.or.us]; ELWORTH Susan [Susan.ELWORTH@state.or.us]; BATES Zebuliah [Zebuliah.Bates@state.or.us]  
**Subject:** FW: SoloPower Foreclosure (and waste management update)  
**Attachments:** SoloPower Update

FYI – The property owner hired Clean Harbors who cleaned the three no entry rooms and took chem wipe samples to a laboratory to ensure safe access for waste management personnel.

The owner is seeking bids for a contractor to conduct hazardous waste characterizations. They plan to remove all chemicals on site in this effort, which is expected to conclude in mid-to-late December.

See attached from Tetra Tech's [REDACTED] Ex. 6 PP / Ex. 7(C) for full status.

With the one-time 30-day storage extension DEQ has granted, the deadline to get everything off site is January 4, 2018. Only one hazardous waste storage extension may be granted.

Jay

Jay Collins  
Hazardous Waste Inspector  
Northwest Region  
Oregon DEQ  
(503) 229-5008  
[collins.jay@deg.state.or.us](mailto:collins.jay@deg.state.or.us)

---

**From:** WHEELER Sarah  
**Sent:** Monday, November 26, 2018 2:38 PM  
**To:** RICE Daniel <[Daniel.RICE@state.or.us](mailto:Daniel.RICE@state.or.us)>  
**Subject:** RE: SoloPower Foreclosure

Hi Dan,

Given this it sounds like DEQ would be wise to cut our losses on collections efforts and not invest any further.

Thanks for your efforts and the update.

Sarah

---

**From:** RICE Daniel  
**Sent:** Saturday, November 10, 2018 5:09 PM  
**To:** WHEELER Sarah <[Sarah.WHEELER@state.or.us](mailto:Sarah.WHEELER@state.or.us)>  
**Cc:** FRIESEN Andrea <[Andrea.FRIESEN@state.or.us](mailto:Andrea.FRIESEN@state.or.us)>  
**Subject:** RE: SoloPower Foreclosure

Hi Sarah,

I am sorry that I have been out of touch on this matter. Below is the general update:

- Multnomah County received a judgment on its claim to foreclosure its tax lien in July. **Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)** The judgment covers one tax year and is for about \$719,000, but the total in back taxes owed to county for all tax years exceeds \$1.9 million. The judgment reserves the rights of the Oregon Department of Energy and DEQ to recover excess foreclosure sale proceeds, in the order of the priority of their liens.
- The county has been slowly moving forward with plans to sell off Solopower's equipment and other tangible assets by auction to satisfy the judgment. **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

- No auction date had been set as of the last time I talked with the county's attorney. The county was experiencing complications in finalizing the contract with a third-party company to conduct the auction and figuring out what to do about the terrible state of the equipment, which was described in an late August Oregonian article as "steeped in a toxic stew of cadmium and hydrochloric acid." The landlord's demand for rent was presenting an additional complication. I am sending the county's attorney an email to ask for an update on whether the auction date has actually been set as of this point.
- **Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)** Besides the amounts owed to the county for taxes, there are also sums owed to creditors that have liens senior to the lien of DEQ's order. The Oregon Department of Energy is in second position (ahead of DEQ) and is owed more than \$8 million. **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

I will let you know once I have more definitive information about the foreclosure sale date, but that's about all I know at this point. Please let me know if you have questions or wish to discuss further.

Thanks.

Daniel J. Rice  
Assistant Attorney General  
Oregon Department of Justice  
Civil Enforcement Division

**Ex. 6 PP / Ex. 7(C)**

---

**From:** WHEELER Sarah [<mailto:Sarah.WHEELER@state.or.us>]  
**Sent:** Tuesday, October 09, 2018 3:08 PM  
**To:** RICE Daniel  
**Subject:** RE: SoloPower Foreclosure

Hi Daniel,

Any updates? Thanks!

Sarah

---

**From:** RICE Daniel  
**Sent:** Monday, June 11, 2018 12:35 PM  
**To:** WHEELER Sarah <Sarah.WHEELER@state.or.us>  
**Subject:** RE: SoloPower Foreclosure

Hi Sarah,

Solopower and the county had been scheduled to have a key hearing on the county's main tax foreclosure case on Friday afternoon, but I was copied on an email in the morning from the county's attorney reporting that the county and Solopower had settled their dispute. I do not know the terms of the settlement, but will try to find out some more info.

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Thanks.

Daniel J. Rice  
Assistant Attorney General  
Oregon Department of Justice  
Civil Enforcement Division  
1162 Court Street NE  
Salem, OR 97301-4096

**Ex. 6 PP / Ex. 7(C)**

[Daniel.Rice@doj.state.or.us](mailto:Daniel.Rice@doj.state.or.us)

---

**From:** WHEELER Sarah [<mailto:Sarah.WHEELER@state.or.us>]  
**Sent:** Monday, June 11, 2018 9:44 AM  
**To:** RICE Daniel  
**Subject:** RE: SoloPower Foreclosure

Hi Daniel –

Checking in with you again on this to see if there's an update? Thanks!

Sarah

---

**From:** RICE Daniel  
**Sent:** Monday, February 5, 2018 2:06 PM  
**To:** WHEELER Sarah <Sarah.WHEELER@state.or.us>; RICE Daniel <Daniel.RICE@state.or.us>  
**Cc:** FRIESEN Andrea <Andrea.FRIESEN@state.or.us>  
**Subject:** RE: SoloPower Foreclosure

Hi Sarah,

Sorry for the slow response. Not much has happened on this case as of right now. Solopower has raised defenses to Multnomah County's tax foreclosure, so those issues will have to get sorted out before we know whether there will be a

foreclosure sale to potentially generate proceeds to be applied toward DEQ's order

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

There is a trial scheduled for the end of June, so we should know more by that point, if not before then.

Thanks.

Daniel J. Rice  
Assistant Attorney General  
Oregon Department of Justice  
Civil Enforcement Division  
1162 Court Street NE  
Salem, OR 97301-4096

**Ex. 6 PP / Ex. 7(C)**

[Daniel.Rice@doj.state.or.us](mailto:Daniel.Rice@doj.state.or.us)

---

**From:** WHEELER Sarah [<mailto:Sarah.WHEELER@state.or.us>]

**Sent:** Thursday, February 01, 2018 12:18 PM

**To:** RICE Daniel

**Subject:** RE: SoloPower Foreclosure

Hi Daniel,

Just checking in to see if there's an update on this. Thank you,

Sarah

Sarah G. Wheeler  
Acting Manager  
Office of Compliance and Enforcement  
Oregon Department of Environmental Quality

**Ex. 6 PP / Ex. 7(C)**

*DEQ's Headquarters Office has moved to 700 NE Multnomah St., Suite #600, Portland, OR 97232*

---

**From:** RICE Daniel

**Sent:** Monday, October 09, 2017 1:39 PM

**To:** WHEELER Sarah

**Subject:** RE: SoloPower Foreclosure

Hi Sarah,

That sounds good. Thanks for sending the notice.

Daniel J. Rice  
Assistant Attorney General  
Oregon Department of Justice  
Civil Enforcement Division

ED\_005854\_00000037-00004

1162 Court Street NE  
Salem, OR 97301-4096  
**Ex. 6 PP / Ex. 7(C)**  
[Daniel.Rice@doj.state.or.us](mailto:Daniel.Rice@doj.state.or.us)

---

**From:** WHEELER Sarah [<mailto:Sarah.WHEELER@state.or.us>]  
**Sent:** Monday, October 09, 2017 1:32 PM  
**To:** RICE Daniel  
**Subject:** RE: SoloPower Foreclosure

Daniel – thank you for following up, and getting an extension. I am sorry I didn't get back to you before now. I am awaiting confirmation from someone internally and will let you know asap.

**Ex. 5 Deliberative Process (DP)** Attached is the recorded notice.

Thanks!  
Sarah

---

**From:** RICE Daniel  
**Sent:** Monday, October 09, 2017 11:24 AM  
**To:** WHEELER Sarah  
**Cc:** FRIESEN Andrea  
**Subject:** SoloPower Foreclosure

Hi Sarah,

I left you a voicemail just now but thought I would also follow up by email. **Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)**

The filing deadline was today, but I have just spoken with the county's attorney and got an extension until Wednesday. **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Please let me know if you have any other questions.

Thanks, Sarah.

Daniel J. Rice  
Assistant Attorney General  
Oregon Department of Justice  
Civil Enforcement Division  
1162 Court Street NE  
Salem, OR 97301-4096  
**Ex. 6 PP / Ex. 7(C)**  
[Daniel.Rice@doj.state.or.us](mailto:Daniel.Rice@doj.state.or.us)

\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

ED\_005854\_00000037-00005

\*\*\*\*\*